

26 November 1985

NOTE FOR: D/ICS
DD/ICS

FROM:

Chief, Legislative Liaison, ICS

SUBJECT: Authorization Conference Report

Attached are the unclassified House-Senate remarks on the Authorization Conference Report presented on the floor on 19 & 21 November 1985. They are provided for your information.

cc: Exo/ICS
B&F/ICS
C/AS/ICS
C/COMIREX
C/HC
C/SC
D/PPS
C/IHC
D/PBS
VC/CIPC
C/SS
C/SECOM
C/CCIS
SA/D/ICS

November 19, 1985

CONGRESSIONAL RECORD—HOUSE

H 10293

number and type of ships planned for each port and the overall plan for facility development, including costs. The plan should describe the entire deployment as well as that portion necessary for initial operating capability (IOC). No funds authorized by this act may be obligated or expended until 90 days after the Committee receives this report.

I thank my distinguished colleague for yielding this time to me.

Mr. DELLUMS. Mr. Speaker, I wish to make three points.

No. 1, with respect to the recent debate on the issue of homeporting, I would simply say that it points up that it is terribly important that this body address these issues on a policy basis. It is clear that the Subcommittee on Seapower of the Armed Services Committee has a clear and present interest in this issue.

The Chair would also suggest that the Subcommittee on Military Installations and Facilities also has a significant interest in the policy considerations of whether we shall or shall not engage in the activity of homeporting, because we will be, on an increasing basis, bombarded with requests for construction associated with homeporting.

It was in the interest of those of us on the subcommittee that we enter into that debate intelligently and on an informed basis. That is why we asked for the information, so that we can more intelligently deliberate whether or not proceeding along the lines to homeporting is indeed in the best interests of the United States at a variety of different levels, including the question of economics.

Second, I would like to point out, reiterate, Mr. Speaker, that we went to conference with the other body with over 300 items in disagreement. I would be derelict in my responsibilities if I did not point out the incredible diligent work on the part of those members of the staff on both sides of the aisle who helped cull that list of 300 differences down to a manageable list that the Members of the House and the other body could deal with in the conference. Had it not been for their hard work, long hours, tremendous commitment, we never could have brought this conference report in this short time frame. So the Chair wishes to go on record thanking the members of the staff and simply pointing out that in this institution, given the incredible amount of information that we must attempt to absorb, the extraordinary amount of work that we must engage in at different times, the bottom line is we are often only as good as our staff, and we think that we have an extraordinarily competent and capable staff.

Finally, Mr. Speaker, I would like to make this statement; as I indicated before, the only two differences that exist in this bill, with the exception of a few adjustments here and there, are two items. The sum of \$15.9 million is authorized in the conference report for support facilities associated with

the deployment of the cruise missile in the Netherlands. That was not in the bill that left the House because the position at that time was to take a wait-and-see attitude with respect to the response of the Government of the Netherlands, that has now taken the position that they shall go forward with deployment.

The second item is a \$8 million item, and the \$8 million item deals with the construction of the binary chemical weapons facility which would take into it the \$40 million of equipment that the House conferees agreed to when they agreed to the conference on the Senate bill, S. 1160. As one of my distinguished colleagues from the other side of the aisle pointed out that she was very much concerned that the House conferees watered down the more stringent language that had been embodied in the first bill passing the House, nevertheless, that became a reality, and in the humble opinion of the Chair, politics outran logic, and we are in with these two facilities.

We would simply like to point out in summary that those Members who supported the bill when it left the House can support this conference report. I did not support the bill when it left the House, although I chaired the committee that brought the bill.

My simple logic in that respect is this is not the gentleman from California's bill. I simply have the responsibility, and I cherish that responsibility that has been bestowed upon me by my colleagues, and that is simply to guide a process. But this bill is the consensus of a number of Members, and this is a group process. No one individual can in any way dominate this process.

At the end of it, I simply stepped out of the chair and said, can I support the policies upon which this bill is framed if I were not in the chair. My answer was no. Putting myself back in the chair does not change that.

I would like to say there are some good things in this bill that we will continue to hammer home, and that is the quality of life. There has been too much preoccupation with the technology of death on the floor of this Congress and not enough attention to the human side of the military. What we try to do in rationalizing, in allocating the cuts in fiscal year 1986 is to make a stronger statement on the issue of the quality of life. Therefore, we have more money in here for family housing, for single bachelor quarters, for community facilities, for childcare facilities, for health facilities, and that is consistent with enhancing the quality of life of our colleagues.

So for those Members who ask me should I vote for the bill because you brought it, my answer is no. You vote for the bill because you are either agreeing with it or you vote against it because you do not agree with it.

It is the intention of the Chair to oppose the bill, not because here are some good things in the bill, but this

bill is still based upon assumptions that we must prepare for war as a way of achieving peace, and we must continue to escalate our armaments. I do not think that is appropriate.

I hope things happen marvelously at the summit. I am not going to hold my breath on that, but I hope it does take place.

In the meantime, it is our responsibility to reflect the will of our constituency, and reflect the integrity of our political perspective.

Mr. Speaker, I yield back the balance of my time.

Mr. KRAMER. Mr. Speaker, we have no more requests for time. I urge support of this bill, and I yield back the balance of my time.

Mr. DELLUMS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

CONFERENCE REPORT ON H.R. 2419, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1986

Mr. HAMILTON. Mr. Speaker, I call up the conference report on the bill (H.R. 2419) to authorize appropriations for fiscal year 1986 for the intelligence and intelligence-related activities of the U.S. Government, for the Intelligence Community Staff, for the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of November 14, 1985.)

The SPEAKER pro tempore. The gentleman from Indiana [Mr. HAMILTON] will be recognized for 30 minutes, and the gentleman from Arizona [Mr. STUMP] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this conference report represents the principal means by which the Permanent Select Committee on Intelligence exercises oversight

H40294

CONGRESSIONAL RECORD — HOUSE

November 19, 1985

every year. We make decisions about intelligence programs, priorities, and practices. I believe we will have strengthened the intelligence community, and the process by which we conduct that oversight, through the passage of this act and by means of the positive and helpful provisions which it includes. I want to thank all members of the committee for their hard work and dedication, and particularly Bob STUMP, the ranking minority member, and Lou STOKES, the chairman of the Budget Subcommittee. I also thank all our staff for their skillful and cooperative assistance. They are, in every respect, professionals.

The amounts which the conference report authorizes for intelligence and intelligence-related activities are contained in a classified schedule of authorizations that is incorporated by reference. An explanation of those actions is to be found in a Classified Annex to the Joint Statement of Managers. Both are available in the offices of the Intelligence Committee to any Member of the House who desires to examine them.

The amounts authorized for intelligence and intelligence-related activities represent a compromise favorable to the House position. Although this conference agreement does provide for real growth in important sectors of the intelligence budget, overall and also with respect to specific programs, it institutes a regime of fiscal restraint in intelligence spending. Such restraint is consistent with the budget pressures that apply to all federal activities. Nonetheless, intelligence funding is given priority within the national security budget function that reflects its essential contributions to the national defense.

With respect to legislative provisions, Members will note that your conferees have essentially preserved the approach of the house with respect to Nicaragua. The House conferees, in their discussions with the Senate, made clear that we should be guided by two principles in our resolution of the Nicaragua issues. One, that authorizations in this act should be limited as far as possible to intelligence activities and, second, that any major changes in Nicaragua policy must come as a result of a Presidential request; and votes in both the House and Senate concerning that request. Major changes should not come in this bill. The provisions of the Supplemental Appropriations Act of Fiscal Year 1985 and the International Security and Development Cooperation Act both provide for an expedited mandatory vote on such a Presidential request. It is my expectation that such a request will be forthcoming in the near future.

An agreement on Nicaragua did not come easily. There were those on the other side who had wished to return to the status quo ante 1983. The House conferees made clear that this was not possible. We were able to reach a com-

promise whose principle elements include:

Authorization for the provision of information and advice to the Contras. However, training, or any other activities—including advice—that amount to participation in the planning or execution of military activities by the Contras, or acting as military advisors to the Contras, is prohibited.

A limited amount of communications equipment and related training will be provided to the Contras to facilitate the exchange of information and intelligence that has been authorized. The amount for the communications equipment is small. It is contained in the classified schedule of authorizations at the insistence of the Senate but that amount is available to any Member who chooses to go up to the Intelligence Committee or who wishes to ask me privately here on the floor.

An important element of our agreement is that no other expenditures for any other assistance for military or paramilitary operations by the Contras is permitted without congressional approval of either a reprogramming or a transfer.

The CIA's reserve for contingencies and, in fact, any other contingency funds of the intelligence community are not available for additional expenditures to support the military or paramilitary operations of the Contras except through a reprogramming or transfer of funds approved by the Congress.

The conferees also believe that transportation assistance may be provided to the Contras under the provisions of the Supplemental Appropriations Act of 1985. This means that, of the \$27 million already appropriated for humanitarian assistance to the Contras, some of these funds may be expended for the provision of transportation assistance to the Contras.

Also, the conferees agreed the State Department may solicit, through its normal diplomatic contacts, humanitarian assistance from other foreign countries of the same type as is authorized by the Supplemental Appropriations Act for fiscal year 1985. No other department or agency involved in intelligence activities may engage in any type of solicitation, for the Contras.

Mr. Speaker, the wording of the Nicaragua provision in section 105 of the conference report is drafted in a different form than previous statutory limitations on aid to the Contras. Members should understand that the use of the word "only" in new section 105 has the meaning and effect that the phrase "directly or indirectly" had in previous statutory expressions. Further, section 105 is intended by the conferees to establish and clarify, as appropriate, policy for intelligence agencies with respect to assistance to the Contras.

There are several other key legislative provisions in the conference report which are worthy of note. The

Senate has agreed to two provisions in the House bill—one which requires that all funds spent for intelligence activities have been specifically authorized by law; and, two, a provision which requires large covert transfers of military equipment to be reported to the Intelligence Committees. Such transfers are significant events in the foreign policy of the United States, and they should be subjected to careful scrutiny by the Congress.

The conferees also accepted four Senate amendments. The first provides expedited citizenship for a limited number of important intelligence agents who meet all the conditions for citizenship except those applying to residency and physical presence in the United States. The conferees have insisted on a requirement of 1 year's residency and have further provided that those involved in persecution be precluded from qualifying under this section.

Another Senate amendment permits the CIA, DOD, and OPM to gain access to State and local criminal history records for security checks. This provision was amended as a result of full consultation with the Judiciary, Armed Services, and Post Office and Civil Service Committees, some of whose Members served as conferees. The result of conference action is one with which both the States and the Department of Defense, in particular, are pleased. The conferees agreed to deny the use of this provision for recruitment and they have reaffirmed the requirement that such access be premised upon the consent of the individual whose records are being sought, and the right of that individual to have access to records that are provided to the Government pursuant to this section.

Two other Senate-originated provisions deserve notice. The conferees agreed to authorize for 1 year the use by DOD of the proceeds of its counterintelligence investigation in other counterintelligence investigations, suspending for this period the requirement that such funds be returned to the Treasury. This is 1-year authority similar to authority now used by the FBI. It does not involve large sums. There are some concerns within the committee about this procedure. There will be attentive oversight to it in the upcoming year.

Finally, the conferees agreed to provide to CIA personnel stationed overseas extra retirement credits for service at unhealthful posts identical to credits now enjoyed by Foreign Service Officers in identical positions.

Mr. Speaker, that is a summary of the action of the conference committee. The committee met several times and reached an amicable and constructive agreement on the provisions I have described. Those meetings and the committee's budget review beginning early this year convinced me of several things.

November 19, 1985

CONGRESSIONAL RECORD — HOUSE

H 10295

First, the need within the U.S. Government for high-quality intelligence is greater than ever before. The members of the Intelligence Committee believe that the United States cannot survive without good intelligence. Further, the need for continuous oversight over the proliferating number of intelligence activities of the Government is stronger than ever. The House and Senate Intelligence Committees provide the only check on intelligence agencies outside the executive branch. Third, the committee's job in the future of authorizing funds for intelligence activities is going to be more difficult during a period of budgetary restraint and high intelligence demand. Our job in the future will be tougher.

Let me close with an observation which, although not directly raised by this conference report, is important to your acceptance of the committee's judgments concerning that report. I want to assure the House that the security of your Intelligence Committee is good. I am not aware of a single, proven leak from the committee. We are very sensitive about the need for security, and we remain alert to ways to maintain and strengthen that security. There has been considerable public discussion lately about intelligence and its oversight. Your committee is proceeding carefully, responsibly, and quietly. In my view, and in the view of the majority of the committee, this is the responsible way to proceed in order to best fulfill our oversight functions.

Mr. Speaker, on page 8 of the conference report as printed, section 801, which deals with access to criminal history records, creates a new subpart H of part III of title 5, United States Code. On page 10, however, this provision is referred to in amending the table of contents of part III of title 5 as subpart "G." This latter reference is an error. It should read "subpart H." Similarly, the table of contents provision incorrectly lists the chapter heading. All of these errors in the printed version appear correctly in the enrolled bill.

□ 1600

Mr. BOLAND. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from Massachusetts.

Mr. BOLAND. Mr. Speaker, I thank the distinguished chairman of the Permanent House Select Committee for yielding, and I want to compliment the gentleman from Indiana [Mr. HAMILTON] and also the Members who serve on this committee for the hard work in which they were engaged in in the conference and for its obviously successful outcome.

I want to draw attention particularly to the closing remarks of the distinguished chairman, particularly in reference to his statement about leaks.

During my tenure as chairman of the Permanent Select Committee on Intelligence, I rarely made statements

to the press. That was not because I always believed that the intelligence community was right in its judgments or that it was acting appropriately at all times.

However, I did not find it necessary to proclaim publicly every disagreement with the intelligence agencies. It is my judgment that oversight during that same period by the Committee on Intelligence was vigorous and it was effective.

I believe the committee maintained good relations with the intelligence community, even though on occasion it had significant disagreements. I do not believe that it is helpful or appropriate for Members of Congress who sit on oversight committees to regularly or recklessly comment on intelligence matters, either critically or favorably.

The subject matter simply does not lend itself to regular public comment, nor does such comment greatly improve, in my judgment, the oversight of intelligence activities.

I also do not suggest a gag rule. Far from it. Public expressions of dismay following a failure to communicate significant intelligence information to the Congress are sometimes necessary but must always be carefully considered.

I do not believe that much of the discussion in the press of late falls within that category.

Mr. Speaker, the gentleman from Indiana and the other Members who serve on that committee in my view have continued the careful, fair tradition for which the Intelligence Committee on this side of the Congress has been known. He brings to his stewardship of the committee the reputation for thoughtful and honest commentary.

I applaud him for his responsible handling of many recent intelligence issues about which there seems to have been such considerable utterances in other parts of this city.

I believe also his record and the record of that committee in this area is reflective of the excellent security practices for which the House Permanent Select Committee on Intelligence has always been known.

Mr. HAMILTON. Mr. Speaker, I want the gentleman from Massachusetts to know how deeply I appreciate his comments. All of us in this House know that he really is Mr. Intelligence of the House of Representatives; because of his distinguished and meritorious service as chairman of the Intelligence Committee.

I thank the gentleman for his comments.

Mr. BOLAND. I thank the gentleman for those remarks.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the minority supports the conference report, which provides the appropriate level of resources for the Nation's intelligence and intelligence-related activities. The minority

is concerned, however, that section 105 of conference report does not allow the full support to the Nicaraguan democratic resistance necessary to bring about a national reconciliation in Nicaragua and an end to Communist adventurism. Fortunately, the Congress will have the opportunity in the coming months to restore full support for the resistance. Aside from the Nicaragua provision, the conference report is an excellent piece of legislation, and it deserves the agreement of the House.

In addition to authorizing appropriations for U.S. intelligence activities. The conference report includes several important legislative items. I am particularly pleased with the Immigration and Naturalization Act amendments which will permit expedited naturalization of deserving intelligence sources when they come to the United States at the end of their secret intelligence service.

Mr. Speaker, I want to express my full appreciation to the chairman of the Intelligence Committee, LEE HAMILTON, and the Program and Budget Subcommittee Chairman, LOU STOKES, for their fine leadership and great courtesy. It has been a privilege and a pleasure to work with them to ensure the availability of resources for intelligence programs critical to the national security. I also wish to thank the committee staff and especially the budget staff for their fine and professional work in support of the committee.

□ 1610

Mr. Speaker, I reserve the balance of my time.

Mr. HAMILTON. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Ohio [Mr. STOKES] who is chairman of the Subcommittee on Program and Budget Authorization.

Mr. STOKES. I thank the distinguished chairman of the full committee for yielding to me this time.

Mr. Speaker, I rise in support of the conference report on H.R. 2419. I want to recognize the work of Mr. HAMILTON and to thank him and our ranking minority member, Mr. STUMP, for all the effort they have put forth in producing this bill and conference report.

I am well satisfied with the outcome of this conference. The House made significant reductions in funding for intelligence programs and about 65 percent of those reductions were retained in conference. Intelligence has enjoyed a number of years of significant budget growth. This year that growth was substantially slowed. Importantly, I believe that the Director of Central Intelligence and other officials of the administration understand that these limitations must be imposed.

With regard to our agreement on Nicaragua, I want to point out that the House conferees do not pretend that the action taken solves the Nica-

H-10296

CONGRESSIONAL RECORD — HOUSE

November 19, 1985

regua problem or sets out a foreign policy regarding Nicaragua or Central America. That was not our intention. We restricted our actions to those involving intelligence issues.

The program to which we agreed is very limited; indeed, it is more limited than that which the administration and some conferees desired.

The approval of communications equipment was seen by the House conferees as a logical extension of the position already approved by the House to provide intelligence advice to the Contras. The communications equipment merely provides a means by which this may practically be done.

Members will recognize that the important change in the structure of our Nicaragua position in this bill compared to last year is that we have provided very limited and specific authorization as opposed to a specific prohibition as in previous bills.

The statement of managers provides that the CIA cannot augment the program through the use of its reserve for contingencies. Modification of the program can occur only through a reprogramming action. I want to assure my colleagues that a reprogramming is not a vehicle by which we expect or intend for this program to again become a U.S.-run or a U.S.-supported covert war. I do not foresee a program beyond the type we are authorizing here, unless the matter is again brought before the House in some fashion. That is a procedure to which I am committed and to which Chairman HAMILTON is committed.

Mr. Speaker, H.R. 2419 is a good bill, and I urge approval of the conference report.

Mr. Speaker, I yield back the balance of my time.

Mr. STUMP. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Wyoming [Mr. CHENEY].

Mr. CHENEY. Mr. Speaker, I thank the gentleman for yielding, and I rise in support of the conference report on H.R. 2419.

Mr. Speaker, I think it is a good bill. A great deal of the effort that went into it deserves the support of this House.

Mr. Speaker, I would also like to begin my remarks today by endorsing wholeheartedly the statement of Mr. BOLAND the gentleman from Massachusetts in the well-known moment ago. I think he is absolutely correct that certain restraints should be recognized and honored by members of the Select Committee on Intelligence in both Houses, that if a Member seeks publicity and public awareness of all that he does, perhaps he should find service on some other committee.

Mr. Speaker, I think the members of the House Intelligence Committee have done an outstanding job of honoring those commitments. I would like to join in the general praise for the chairman of our committee, Mr. HAMILTON, and the ranking member, Mr. STUMP, for the way in which they con-

ducted themselves and led the committee.

Mr. Speaker, it is with reluctance that I signed the conference report.

Mr. Speaker, with reluctance, the minority members of the Permanent Select Committee on Intelligence signed the conference report on H.R. 2419, the Intelligence Authorization Act for fiscal year 1986. While we support wholeheartedly the vast majority of U.S. intelligence programs and the associated funding levels contained in H.R. 2419, one provision of the conference report is of special concern. The conference report does not provide the necessary support for the President's program to achieve national reconciliation in Nicaragua and an end to Soviet-Cuban sponsored Communist adventurism in Central America. Instead, it continues to contain counterproductive restrictions on aid to the Nicaraguan democratic resistance.

The Republican Members fully supported the President's request for funding to support United States foreign policy in Nicaragua. We set forth at great length in the minority views to the House Intelligence Committee report on H.R. 2419—House Report 99-106, part 1—the critical need to support the President's policy with respect to Nicaragua.

The situation in Nicaragua has grown even worse since we penned those views. The Sandinistas have eliminated any pretense of civil liberties in Nicaragua, and instead have officially and formally suspended such liberties.

The primary virtue of section 105 of the conference report is that it is not as bad as the blanket prohibition on aid to the Nicaraguan Resistance which it replaces: the Boland prohibition in section 8066(a) of the DOD Appropriations Act, 1985 and section 801 of the fiscal year 1985 Intelligence Authorization Act. Section 105 represents a small step forward toward full support for the resistance by permitting cooperation in the areas of information sharing, advice, transportation, and humanitarian aid. On that basis, we reluctantly accept the provision.

We continue to believe that it is essential to our national interest to give full support to the Nicaraguan resistance. We urge the President to renew his request to the Congress for such full support in the near future through the appropriate mechanisms.

The United States faces the supreme test of its ability to advance the interests of freedom in the face of the expansion of Communism close to home. Our national interest requires both that we avoid a war involving the U.S. Armed Forces and that we effectively resist the establishment and expansion of Communism on the mainland of the Americas. Accordingly, giving full support to the Nicaraguan democratic resistance is the wisest course.

Members of this House should not mistake the strategic importance of this test in Central America. The

United States faces challenges around the globe from Soviet-sponsored insurgencies. The Soviets and their cohorts believe that the United States cannot muster the national will to resist attacks on free nations which come not through conventional attack in the manner of traditional warfare, but instead come in the form of insurgencies involving low and medium-intensity conflict engaged in by Soviet proxies. Such insurgencies employ slow and steady military and political efforts to achieve an objective in circumstances in which direct and open warfare would stimulate an overwhelming counterresponse. No one can doubt that, if the Soviet Union invaded Central America to impose its iron will on the people of Central America, the United States would use its military might to repel that invasion. Yet, if we do not soon renew full support for the Nicaraguan democratic resistance, the Soviets will achieve the same end through their puppets, the so-called Sandinista National Liberation Front which seized power in 1979 and currently rules Nicaragua.

If the Soviets become firmly convinced that the United States lacks the will to resist their efforts to expand communism through the military and political efforts of their Marxist-Leninist clients, the result will be grave indeed for United States interests, not only in Nicaragua, but around the globe.

We look forward to the opportunity in the next few months to renew the public and congressional debate on aid to the Nicaraguan resistance. We are confident that, when the Congress addresses this issue in the near future, it will remove the restrictions which hobble the President in protecting United States interests in Central America, and restore full support to the Nicaraguan democratic resistance.

Mr. HAMILTON. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR of Michigan. I thank the chairman for yielding.

Mr. Speaker, this is an issue to which I have devoted a lot of thought and emotional energy and one which I feel very strongly about.

We made a decision in this House last June to take a different course than what we had been charting the 2 previous years. What transpired in the conference on this issue is a blending of thought from this body and from the other body.

I have mixed feelings about that. I regret the expansion of the intelligence activities that are contained in this report. I am concerned about the use of trucks, radio equipment, and other things to facilitate the Contras' war against the people and the Government of Nicaragua. I am troubled each and every day when I pick up the morning newspaper to read of the literal slaughter of innocents in that troubled region of the world. But I

November 19, 1985

CONGRESSIONAL RECORD—HOUSE

H 10297

recognize the will of the House. I recognize that we decided to change course 5 months ago and that what has been brought before our select committee and by the chairman is probably as good as we can do given the circumstances and the situations that prevail.

Mr. Speaker, last spring, when we passed the fiscal year 1985 supplemental appropriations bill (Public Law 99-88), the majority of the Members of this body voted to provide 27 million dollars' worth of nonlethal assistance to the Contras, but to retain strict controls on the United States military role, and particularly on the role of United States agencies involved in intelligence activities, in the war against Nicaragua.

This conference report retains and clarifies these restrictions. It prohibits the CIA or any other agency engaged in intelligence activities from providing funds, material or other assistance to the Contras except as specifically authorized by Congress.

The fiscal year 1985 supplemental made an exception to this prohibition by allowing the exchange of intelligence information. Reflecting continuing congressional concern about the role of our intelligence agencies, the language in this conference report clarifies this provision.

It authorizes intelligence agency infrastructure expenditures and a limited amount of communications equipment related to such activities as the exchange of information and advice. But it specifically prohibits any United States agency engaged in intelligence activities from being involved in activities such as training, or anything including logistical support, that would amount to participation in the planning or execution of paramilitary or military operations in Nicaragua.

Thus, Mr. Speaker, this intelligence authorization conference report has drawn a clear line between, on the one hand, the sharing of intelligence information with the Contras, which U.S. agencies involved in intelligence activities are permitted to do; and, on the other hand, planning for participation in, or providing advice on any paramilitary or military operations, which U.S. agencies involved in intelligence activities are expressly prohibited from doing.

Is that correct?

Mr. HAMILTON. The gentleman is correct.

Mr. BONIOR of Michigan. Once again I would like to commend the chairman for his consistent leadership on this issue, and for the careful work he and other members of the committee have put into this conference report.

Mr. STUMP. Mr. Speaker, I have no additional requests for time.

Mr. Speaker, I urge adoption of the report, and I yield back the balance of my time.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. WEISS].

(Mr. WEISS asked and was given permission to revise and extend his remarks.)

Mr. WEISS. I appreciate the distinguished chairman of the committee yielding time to me.

Mr. Speaker, I am reluctant to express my opposition at this point to what seems to be a general, although reluctant, support by a great many Members of the House. I do think, however, especially on the basis of the statement made by the distinguished minority member from Wyoming where he said that he is supporting it because it is a small step forward to a full support of the Contras, I think we ought not to be supporting this legislation.

□ 1625

I appreciate the limitations which the committee has built into it. Nonetheless, I think it has taken us closer and closer to direct military involvement, and I hope the Members will oppose it.

Mr. Speaker, it is a very dangerous path that we are treading. In essence we are giving up the fight. The Reagan administration has little enough respect for the restraints of law when the Boland amendment which absolutely prohibited aid to the Contras was in effect.

They will obviously consider this action by the Congress an encouragement to do whatever they deem necessary to overthrow the Government of Nicaragua. Our shock and surprise in that eventually will avail us very little. The time to lay down the law is before the fact not afterwards.

I am convinced that we will live to regret today's action.

Mr. HAMILTON. Mr. Speaker, I have no further requests for time, and I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WEISS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 387, nays 21, not voting 26, as follows:

[Roll No. 413]

YEAS—387

Akaka
Alexander
Anderson
Andrews
Anzures
Anthony
Applegate

Archer
Armer
Asper
Atkins
Babson
Barnes
Barnes

Bartlett
Barton
Bateman
Bauer
Bennett
Bentley

Bereuter
Bernard
Bevill
Biaggi
Billings
Billey
Boehner
Boggs
Boland
Bonior (NY)
Bonior (MT)
Bonker
Borski
Boucher
Boulter
Boxer
Brooks
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Brucer
Bryant
Burton (NY)
Bustamante
Byron
Callahan
Campbell
Carnes
Carper
Carpenter
Carr
Chandler
Chapman
Chappell
Cheney
Clinger
Coats
Cobey
Coble
Coe
Coleman
Coleman (TX)
Collins
Combest
Conce
Cooper
Coughlin
Cowan
Coyne
Craig
Crane
Cramer
Dannemeyer
Darden
Daschle
Dau
Davis
DeLoach
Derrick
DeWine
Dickinson
Dicks
DieGuard
Dixon
Donnelly
Dorgan (ND)
Dorman (CA)
Dowdy
Downey
Dreier
Duncan
Durbin
Dwyer
Dyson
Early
Eckart (OH)
Eckert (NY)
Edgar
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Evans (IA)
Evans (IL)
Fasell
Fawell
Fazio
Feighan
Fiedler
Fields
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler

Frank
Franklin
Frenzel
Frost
Fuqua
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Goodling
Gordon
Gradison
Gray (IL)
Gray (PA)
Green
Gregg
Grothman
Guarini
Gundersen
Hall (OH)
Hall, Ralph
Hamilton
Hammer
Hamm
Hatch
Hawkins
Hayes
Hendricks
Hendry
Hill
Hill
Hill
Hopkins
Horton
Howard
Hoyer
Huck
Hughes
Hunt
Hutto
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OH)
Jones (TN)
Kantrowitz
Kaptur
Kasten
Kastenmeier
Kemp
Kennedy
Kennelly
Kildee
Klindworth
Kleczka
Kolbe
Kolter
Kosniowski
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach (IA)
Leach (TX)
Lehman (FL)
Leland
Lent
Levin (MI)
Levin (CA)
Levin (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lott
Lowery (CA)
Lujan
Lujan
Lukens
Lundgren
Lundgren
Mack
MacKay
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui

Mavroules
Maziarz
McCain
McCandless
McClintock
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McMillan
Meyers
Mica
Michel
Mikulski
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinar
Mollohan
Monson
Montgomery
Moore
Moorhead
Morrison (WA)
Mrazek
Murtha
Myers
Natcher
Neal
Nichols
Nielsen
Nowak
O'Brien
Oaker
Oberstar
Obey
Olin
Ortiz
Oxley
Packard
Panteta
Parris
Pashayan
Peele
Penny
Pepper
Perkins
Petri
Pickle
Pittman
Purcell
Rahall
Ray
Reagan
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukens
Rowland (CT)
Rowland (GA)
Roybal
Rudd
Rums
Sabo
Saxton
Schaefer
Schroeder
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Silsander
Siskisky
Skeel
Skelton
Slattery
Slaughter

R-10285

CONGRESSIONAL RECORD - HOUSE

November 19, 1985

Smith (NY)
Smith (LA)
Smith (NE)
Smith (NJ)
Smith, Denny
(OR)
Smith, Robert
(NH)
Smith, Robert
(OR)
Snodgrass
Snodgrass
Solomon
Spence
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Strang

Bedell
Chay
Conyers
Croschett
Dallman
Dymally
Garcia

Ackerman
Adabbo
AuCoin
Bosco
Brennan
Burton (CA)
Chapple
de la Garza
Dingell

Stump
Sundquist
Sweeney
Swift
Sykes
Taliaferro
Taubes
Taubes
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traffant
Traxler
Udall
Valentine
Vander Jagt
Vickroy
Volkmur
Vucanovich
Walgren
Walker

NAYS-21

Gonzales
Hayes
Lowry (WA)
Miller (CA)
Moody
Morrison (CT)
Murphy

NOT VOTING-26

Hartnett
Hefel
Holt
Hubbard
Hyde
Lehman (CA)
Lewis (CA)
Loeffler
McKinney

□ 1040

The Clerk announced the following pair:

On this vote:

Nelson of Florida for, with Mr. Savage against.

Mr. HAYES and Mr. MOODY changed their votes from "yea" to "nay".

Mr. LATTI changed his vote from "nay" to "yea".

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HAMILTON, Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report and to be printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

MAKING IN ORDER ON WEDNESDAY, NOVEMBER 20, 1985, OR ANY DAY THEREAFTER CONSIDERATION OF CONFERENCE REPORT ON H.R. 1714, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT, 1986

Mr. FUQUA, Mr. Speaker, I ask unanimous consent that it be in order to consider the conference report on H.R. 1714 at any time tomorrow,

Wednesday, November 20, 1985, or any time thereafter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

REPUBLICAN SOCIAL POLICY AGENDA

(Mr. CLINGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CLINGER. Mr. Speaker, last week, I joined with 17 of my Republican colleagues in releasing an important report on social policy. This is the first in a series of four reports by the House Wednesday Group as part of its project called a Republican agenda for 1985 and beyond.

Our report provides an important statement concerning the overall direction of Federal social policy. The report covers such areas as civil rights, families and child care, educational opportunities, welfare, employment flexibility, and health.

Beyond its important findings and recommendations, our report speaks to many of the principles that should govern our Nation's social policy. We talk about enabling people, rather than fostering dependence. We talk about protecting individual rights and choices. We affirm the important role of Government programs, but we also affirm the important role of Government leadership.

Mr. Speaker, this is a critical statement about the direction of America's social policy; it is critical because our society demands creative initiatives to address our Nation's social problems; and it is critical because Congress will shortly be making many difficult fiscal choices and cannot ignore their social policy implications.

I encourage Members on both sides of the aisle to take a serious look at this report, and to join together in building a consensus on the policies and programs that will comprise our Nation's future social policy agenda.

THE HOUSE WEDNESDAY GROUP
Washington, DC, November 11, 1985.

CONGRESSIONAL REPORT PROPOSES REPUBLICAN SOCIAL POLICY AGENDA

"While federal social programs provide some measure of relief to those in need, relief is only the first part of what should be a two-part federal strategy . . . federal policy should promote not only relief but rehabilitation approaches to the problems of the poor, the unemployed, the welfare-dependent, or the otherwise socially disabled . . ." asserts a report on social policy released by a group of House Republicans known as the House Wednesday Group.

Prepared by Dr. Joyce Van Dyke, under the direction of the Wednesday Group's Task Force on Social Policy—which included Dr. Henry Aaron and Dr. Paul Peterson of the Brookings Institution; Dr. Douglas Bailey, former Wednesday Group executive director and currently with Bailey, Dardourff and Associates, Inc.; and Mr. Martin Gerry, former Assistant Secretary in the

Department of Health and Human Services under Presidents Ford and Nixon—this report is the first in a series of four reports which the Wednesday Group will issue as part of a project called a Republican Agenda for 1985 and Beyond.

Members of Congress releasing the report include: Bill Clinger (PA), Rod Chandler (WA), Silvio Conte (MA), Lawrence Coughlin (PA), Hamilton Fish (NY), Bill Green (NY), Paul Henry (MI), Frank Horton (NY), Jim Jeffords (VT), Nancy Johnson (CT), Jim Leach (IA), John McKernan (ME), Stewart McKinney (CT), Thomas Petri (WI), Ralph Regula (OH), Tom Ridge (PA), Claudine Schneider (RI), and Tom Tauke (IA).

The report covers such important topics as civil rights, families and child care, educational opportunities, welfare, employment flexibility, and health.

According to Congressman Bill Clinger, Chairman of the Wednesday Group, "Today's report provides an important statement concerning the overall direction of federal social policy. In this regard, our report is also a Republican statement. Although we speak neither for the National Republican Party nor the Wednesday Group as a whole, we as individual Republican Members of Congress have come together in support of an agenda for certain reforms, as well as an approach we believe to be important to the vitality of American social policy."

In the area of civil rights, the report asserts that "currently, lack of coordination and consistency in Federal civil rights laws present a significant barrier to ensuring equal opportunity and social justice." The report recommends that the coverage, investigative procedures, and remedies of all Federal civil rights laws be standardized. It also recommends that enforcement of these laws be centralized and made mandatory once a finding of "reasonable cause" has been reached.

The report also recommends that Congress "cap or reduce eligibility for the Dependent Care Tax Credit for upper-income taxpayers and use the money saved to fund more child care for low-income workers who can not take advantage of the tax credit. . . This action would provide child care services to those most in need, working parents who earn too little to be able to take advantage of the dependent care tax credit."

On the topic of welfare, the report asks Congress to "increase the proportion of model and demonstration programs designed to help welfare-dependent adults (most of them women) to become economically self-sufficient and able to support their families." As the report notes: "welfare need not and should not retain its antiquated status as a pure relief program, but should provide both relief and a transition to the world of work and economic independence."

Beyond its important findings and recommendations, the report speaks to many of the principles that should govern our nation's social policy. As Representative Clinger observed: "We talk about enabling people, rather than fostering dependence. We talk about promoting family stability and integrity. We talk about protecting individual rights and choices. We affirm the important role of government programs, but also affirm the important role of government leadership."

CONGRESSIONAL RECORD — SENATE

November 21, 1985

On October 18, and on November 14, the Senate Committee on Commerce, Science, and Transportation approved H.R. 3235. The transfer of this facility is necessary to enable Senate approval of H.R. 3235 is necessary to establish the appropriate authority for this transfer.

Mr. President, I ask my colleagues to accept this bill by unanimous consent, which will provide an excellent example of Government, industry, and academia working together to further our Nation's scientific and technological capabilities. In addition, approval of this bill will send a positive signal that just such a working relationship is an efficient and economical way to maintain our Nation's leadership in the commercial development of space.

Mr. HOLLINGS. Mr. President, I support H.R. 3235, the Mississippi Technology Transfer Center Act and the efforts of the distinguished senior Senator from Mississippi in getting this measure adopted.

I also compliment the State of Mississippi for its commitment to the Center and for its efforts to improve the research, development, and technology base of the State.

I think this H.R. 3235 is a tribute to Senator Brewster, who has worked so hard and continues to work hard to improve the economic well-being of his State. And, I ask that my colleagues approve this measure and send it to the President for his signature.

Mr. RIEGLE. Mr. President, I rise in support of H.R. 3235, the Mississippi Technology Transfer Center Act, and ask that my colleagues support this measure and send it to the President for his signature.

Mr. President, I also would like to compliment my friend, the distinguished senior Senator from Mississippi, for his dogged pursuit of this legislation and for his continued efforts to improve the State of Mississippi's technology base. Without the active support of the senior Senator from Mississippi, it is quite certain the legislation required to transfer this Center to NASA would not have been approved.

Mr. President, I believe this Center, which will house, among other entities, the recently approved NASA Commercial Center of Excellence in Remote Sensing, is of mutual benefit to NASA and the State of Mississippi. I also believe it is of benefit to the Nation since it will further enhance our competitive posture. Mr. President, I support this measure and ask my colleagues to join me.

The bill was considered, ordered to a third reading, read the third time, and passed.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

INTELLIGENCE AUTHORIZATION, FISCAL YEAR 1986—CONFERENCE REPORT

Mr. DOLE. Mr. President I submit a report of the committee of conference on H.R. 2419 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The bill clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2419) to authorize appropriations for fiscal year 1986 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the Record of November 14, 1985.)

Mr. DURENBERGER. Mr. President, I am pleased to place before the Senate, the conference report on the fiscal year 1986 intelligence authorization. While the specific details pertaining to the activities authorized by this act and the dollar amounts for such activities cannot be discussed in public, the annual authorization bill provides concrete evidence to the public that Congress is performing its oversight responsibilities and that the Nation's intelligence activities are being conducted in accordance with the law. I am pleased to note that Congress has enacted intelligence authorizations for every year beginning with fiscal year 1979, further evidence that Congress takes these responsibilities seriously.

The intelligence authorization bill is the principal means by which Congress directly impacts the Nation's intelligence programs. The conference report and the joint explanatory statement of the committee of conference sets forth the agreement reached on all legislative issues. In addition, the classified annex to the joint statement sets forth in detail the specific recommendations of the conference committee on all matters of difference between the two Houses relative to classified programs. This classified annex is available for review by all Members.

Together, these documents fully explain the legislation now before the Senate. I want to take a few moments, however, to discuss two very significant agreements worked out by the conferees and incorporated in the fiscal year 1986 Intelligence Authorization Act.

First, the legislation will require the Director of Central Intelligence to accompany the fiscal year 1987 National Foreign Intelligence Program budget with a document which sets forth a national intelligence strategy for the United States.

The national intelligence strategy is to be a blueprint for the intelligence community. In the national intelligence strategy, the Director of Central Intelligence will state the missions to which the intelligence community has committed itself, and the priority that the community has assigned to each mission. It will describe the resources that would ideally be required to carry out these missions, as well as the DCI's actual program for meeting those commitments within the real-world constraints of a limited budget.

Mr. President, the committee believes that the development of a national intelligence strategy may be the most significant event for the future of the U.S. intelligence community since the passage of the National Security Act of 1947. This will be the first time that the country's foreign policy goals and national security will be directly and formally linked to the intelligence program that is necessary to support them. The development of the national intelligence strategy will also signify the first time in which our intelligence priorities will be established by the consumer of intelligence in a systematic description of the national foreign intelligence strategy.

The purpose of the national intelligence strategy is to serve both the intelligence producer and the intelligence consumer.

For the intelligence producer, the national intelligence strategy will be a planning tool—a device through which the intelligence community will be able to establish order over the competing demands that it must face in the future. The select committee is aware that the Director of Central Intelligence has headed an extensive planning process of his own for many years. Yet, there has never been a focal point at which the DCI has been able to bring the many parts of the intelligence community together and measure them against the country's foreign policy goals. The national intelligence strategy is intended to be that focal point.

For the intelligence consumer, the national intelligence strategy will reveal how the intelligence community plans to meet his intelligence needs—or even whether these needs are being considered within the current U.S. Intelligence Program. Up until now, there has been no clear connection between an intelligence requirement levied by an intelligence consumer and the response of the intelligence community to that requirement. The national intelligence strategy will express that response.

Finally, for the Senate and the members of the select committee, the national intelligence strategy will be a much needed tool for executing our oversight responsibilities. For many years, members of the select committee—and our colleagues in oversight, the members of the House Permanent Select Committee—have observed that

November 21, 1985

CONGRESSIONAL RECORD—SENATE

S 16073

even though the intelligence community is usually forthcoming when it is asked for specific information concerning particular programs, rarely, if ever, is Congress told how these individual pieces fit together. Senate Resolution 400, the charter of the select committee, charges the committee "to assure that the appropriate departments and agencies of the United States provide informed and timely intelligence necessary for the executive and legislative branches to make sound decisions affecting the security and vital interests of the Nation." The national intelligence strategy will be essential to the ability of the select committee to carry out this mission.

The members of the select committee appreciate that the development of a national intelligence strategy is an ambitious enterprise that will require several years to mature. We are gratified that, from the beginning, the Director of Central Intelligence has indicated his support for the national intelligence strategy. Because of his commitment and his belief that such planning is indispensable for meeting this Nation's intelligence needs, the committee has been informed that the DCI will have his first draft of a strategy by the time the intelligence community presents its budget proposals in January 1986. This will be the first time the National Foreign Intelligence Program will have been developed with such a comprehensive rationale, and the committee is thankful for the DCI's providing such wholehearted support.

The members of the committee understand the magnitude of the task that developing a national intelligence strategy presents. Therefore, we also understand that several years will be required before the strategy is fully incorporated into the planning procedures of the intelligence community. However, we also believe that it is absolutely essential that we begin this process now.

Mr. President, the challenges facing the intelligence community today are greater than any in the postwar era. Simply put, today's intelligence missions are tougher.

In the hearings the select committee held in connection with the development of a national intelligence strategy, at least four critical challenges facing the intelligence community today were cited time and again.

One challenge is simply that of information. Mr. President, there is an information explosion underway today. The amount of information that the intelligence community is required to collect, analyze, and disseminate is increasing exponentially. One intelligence platform recently placed into operation by the intelligence community, for example, produces 15 times as much data as its predecessor. Similarly, the rate at which this data must be processed is rising; the typical intelligence platform now entering service produces data at twice the rate

of its predecessor. And the problem is not just technical; the human intelligence that the intelligence community must process is expanding at similar rates. The ability of the intelligence community to transform this information into useful information will lead to the success—or failure—of the intelligence community in the years to come.

A second challenge facing the intelligence community, Mr. President, is the growing number of consumers that it must support. Thirty-eight years ago when the present-day intelligence community was established, the chief consumers of intelligence included just the President, a small group of advisers and Cabinet officials, the Department of State, and the military. Today, of course, this is no longer true. Today the intelligence community must not only support these consumers, but also a multitude of other executive branch agencies. Congress, too, has become a major intelligence consumer as it has been required to play a larger role in national security policy. And not only has the number of intelligence consumers grown; the range of issues about which they must be kept informed has expanded as well.

The third challenge cited by the witnesses our committee heard was the increasing difficulty of collecting intelligence. From the denial of data from missile tests to the all too apparent counterintelligence threat, it is clear that the basic task of intelligence collection will become more difficult in the years ahead. The technical and human resources necessary to meet these challenges must now be planned 10 or 15 years in advance. This planning requires a strategy.

Finally, Mr. President, a fourth challenge facing the intelligence community today is one facing the Government as a whole: tighter budgets.

The members of the select committee are well aware of the budget pressures facing the Federal Government. All of us will agree that we must reduce the massive deficits projected for the years ahead. The hard reality is that the intelligence community cannot count on the growth in resources that it has enjoyed in recent years.

Budget pressures will adversely affect the intelligence process, especially if we operate with an incomplete understanding of the relationships among requirements, capabilities, costs and performance. In austere times such as those now predicted for the upcoming years, it is imperative that the intelligence community make the most of its resources.

The committee believes, however, that these economic constraints will also present an opportunity for the intelligence community. A national intelligence strategy will not only illustrate the tough choices that will need to be made in distributing limited resources; it will also provide the intelli-

gence community with the opportunity to demonstrate the importance of intelligence to the Nation's welfare.

Taken together, these four challenges that face the intelligence community in the immediate future are indeed formidable. Meeting them will require the Congress to continue to provide substantial resources. Yet resources are only half the equation. Without a blueprint such as the national intelligence strategy, even massive infusions of money will be ineffective in maintaining the levels of support intelligence consumers need.

Without a doubt, the most important test of strategic intelligence is whether it helps our leaders to make better policy. To meet this test, the intelligence community must make clear just what is needed to support our national security policy and how it intends to meet these requirements. This is the purpose of the national intelligence strategy.

Mr. President, I also want to mention the issue of Nicaragua, which has consumed so much of our time and attention over the past few years.

The conferees carefully considered this issue in light of congressional action subsequent to passage of fiscal year 1986 intelligence authorization bills in the House and the Senate, and in the context of the current situation in Nicaragua.

The bill contains a specific classified authorization amount for communications equipment and related training for the Nicaraguan democratic resistance. This authorization is consistent with the action taken by the Congress in the Supplemental Appropriations Act (Public Law 99-88) to allow the U.S. Government to exchange information with the Nicaraguan democratic resistance. The classified authorization is designed to ensure that an exchange of information can be accomplished without compromising U.S. intelligence sources and methods.

The effect of other action taken by the conferees with respect to the administration's original budget request relating to military or paramilitary operations in Nicaragua is to make the CIA reserve for contingencies unavailable for such purposes. Approval of a reprogramming or of a transfer will be the only way in which funds, material, or other assistance beyond what is authorized in section 101 of the conference report and the classified schedule referred to in section 102, as I have just described, and what may become available pursuant to section 106 of Public Law 99-88, could be provided by the intelligence agencies to the Nicaraguan democratic resistance during fiscal year 1986, to support military or paramilitary operations in Nicaragua. Section 106 of the Supplemental Appropriations Act, 1985, provides for expedited congressional consideration of a Presidential request for assistance to the Nicaraguan democratic resistance in addition to the \$27 million ap-

S 16074

CONGRESSIONAL RECORD — SENATE

November 21, 1985

propriated for humanitarian assistance for the Nicaraguan democratic resistance in that act.

I want to emphasize that the conferees considered authorizing the intelligence agencies to provide transportation equipment to the Nicaraguan democratic resistance, but determined not to authorize funds for such equipment because the Nicaraguan Humanitarian Assistance Office established by Executive Order 12530 of August 29, 1985, pursuant to the International Security and Development Cooperation Act of 1985 (Public Law 99-83) and the fiscal year 1986 Supplemental Appropriations Act, already has the authority to provide transportation equipment as part of the humanitarian assistance program, and the provision of such equipment is not precluded by the definition of humanitarian assistance contained in those acts so long as no modifications are made to the equipment designed to be used to inflict serious bodily harm or death.

I also want to emphasize that under current law and the restriction contained in section 105 of this conference report, the intelligence agencies may provide advice, including intelligence and counterintelligence advice, and information, including intelligence and counterintelligence information, to the Nicaraguan democratic resistance.

Clearly, the intelligence agencies will be providing information and advice on matters of concern to the Nicaraguan democratic resistance, such as information on Sandinista capabilities, resources and intentions, and advice on matters such as effective delivery and distribution of materiel. The conferees have, however, specified that the intelligence agencies are not to engage in activities that actually amount to participation in the planning or execution of military or paramilitary operations in Nicaragua by the Nicaraguan democratic resistance, or to participation in logistics activities integral to such operations.

Section 105 does not restrict the general conduct of intelligence liaison activities related to the Nicaraguan democratic resistance, but section 105 does not permit the departments, agencies, and entities described therein to engage in the solicitation of third countries to provide funds, materiel, or other assistance to the Nicaraguan democratic resistance to support military or paramilitary operations in Nicaragua. Section 105(b)(2), however, permits the solicitation by the Department of State through diplomatic channels of third country humanitarian assistance of the same kind that the Nicaraguan Humanitarian Assistance Office is authorized to provide to the Nicaraguan democratic resistance, so long as such third country assistance is furnished from the third country's own resources, and the United States does not enter into any arrangement conditioning, expressly or impliedly, the provision of U.S. assist-

ance to a third country on the provision of assistance by such third country to the Nicaraguan democratic resistance.

Mr. President, it is my sincere hope that this will be the last statutory restriction that the Congress will enact with regard to this matter. I think that the time has come to return the issue to the intelligence oversight process, where it really belongs.

Mr. President, I wish at this time to express my appreciation to the vice chairman of the Select Committee on Intelligence, Senator LEAHY, for his efforts in support of this legislation, which have been in the finest tradition of bipartisanship with respect to the intelligence authorization process. I also want to take note of the contribution made by the staff of the Select Committee on Intelligence, particularly our staff director, Bernie McMahon, our chief counsel, Gary Chase, our minority staff director, Eric Newsom, our minority counsel, Dan Finn, and our budget staff, led by Senior Budget Officer Keith Hall. Budget staff members John Nelson and Charlene Packard made key contributions, and support staff members Kathleen McGhee and Linda Lawson also should be mentioned.

Mr. President, I believe that the conference report on the fiscal year 1986 intelligence authorization constitutes a sound agreement. Further, it continues the well established practice of a bipartisan approach to intelligence issues within the Congress. I urge my colleagues to support this legislation.

Mr. LEAHY. Mr. President, I am pleased to join my distinguished colleague, the chairman of the Select Committee on Intelligence, in submitting to the Senate the conference report on the Intelligence Authorization Act for fiscal year 1986. This is my first opportunity as vice chairman of the committee to manage the bill which authorizes funding of all U.S. intelligence agencies, and I do so with great pride.

We have come to the Senate with a good bill, one that provides sufficient funding for the Nation's intelligence agencies. In a time of budgetary difficulties, we have made reasonable economies in intelligence. In my view, when defense expenditure is under great pressure, as is certainly the case now, it is all the more important that we not cut into the muscle of U.S. intelligence. The superb intelligence capabilities this Nation possesses are not of our greatest advantages—a "great equalizer."

The joint explanatory statement of the committee of conference is quite clear in describing the actions of the conferees and the meaning of the provisions in the act. The chairman has added his own commentary and I do not want to take the Senate's time in repeating his various points.

However, Mr. President, this bill contains provisions and report language relating to United States sup-

port for the insurgents fighting against the Government of Nicaragua. On September 26, when the Senate was considering the bill reported by our committee, I offered certain assurances to Senators on my side of the aisle who wished to offer amendments which, in my judgment at the time, could have provoked a time-consuming and futile debate over the issue of aid to the Contras. I shared and still share their opposition to the administration's policy of supporting the Contra insurgency instead of seeking a negotiated political settlement with Nicaragua. I have repeatedly stated my opposition to that approach and the reasons for my opposition.

However, the issue of whether and how the United States would aid the Contras has been debated, voted on and settled by the Congress on the Supplemental Appropriations Act of 1985. At that time, Congress rejected the provision of lethal support to the Contras, while permitting "humanitarian assistance" to them. The CIA, Defense Department, and other intelligence agencies and entities of the U.S. Government were ruled out as a means for providing this so-called humanitarian assistance.

I opposed this approach, just as I opposed the former "covert" paramilitary assistance program which caused such serious harm to the CIA. Tying ourselves to the Contras is, I am convinced, harming U.S. foreign policy goals of stability and peaceful reform in Central America. Nevertheless, a majority of Congress supported this new humanitarian aid program. My goal has been to ensure that the limitations on that program are fully respected and adhered to by the executive branch.

My assurances last September did dissuade certain Senators from offering amendments aimed at blocking any renewal of military or paramilitary assistance. Frankly, I believed we opponents would again lose such a vote, possibly encouraging some in the administration to think revival of a covert paramilitary program might be possible. My friends agreed with that judgment. In private discussions and openly on the floor, I assured those Senators that the only program authorized by the Congress is the \$27 million in so-called "humanitarian assistance," and that this bill contained nothing contrary to that. Further, I said that I would ensure that any new covert paramilitary plan submitted by the administration would be subject to full congressional consideration, in secret session if necessary.

My intention in the conference with the House was to honor fully those assurances. This conference report accords completely with the commitments I made to Senators in persuading them not offer their amendments to this bill last September.

Let me spell out clearly how this is so. The revised section 105 of the au-

November 21, 1985

CONGRESSIONAL RECORD — SENATE

S 16075

thorization provides that any military or paramilitary assistance can be authorized only as provided in section 101 of the act. There is no other statutory basis for a new program of military or paramilitary assistance other than what is provided for here. Section 101 permits only that a limited amount of communications equipment and training may be given to the Contras outside the \$27 million humanitarian aid program. As the joint explanatory statement indicates, the conferees authorized this limited amount of communications equipment so that the exchange of intelligence information allowed by the 1985 supplemental appropriation "can be accomplished without compromising U.S. intelligence sources and methods." In other words, Mr. President, if Congress is determined to allow the United States to provide certain kinds of intelligence information to the Contras, I and those who share my views at least want that information to be passed in a secure manner that protects our own sources and methods from compromise.

Section 401 of the Intelligence Authorization Act amends the National Security Act of 1947 to prohibit the availability of funds for any intelligence activity for which Congress had denied funds. This is to prevent the administration from simply drawing on the contingency reserve to support intelligence activities for which Congress has denied funds. Therefore, since Congress has denied funds for a program of military or paramilitary assistance to the Contras, the administration may not seek to revive that program or some version of it and finance it through a withdrawal from the contingency reserve. Had we not taken that authority from the administration, it could have come forward with a new or amended covert paramilitary program and merely notified the necessary committees of Congress. Those committees would have had no power to disapprove such a program. However, the joint explanatory statement specifically states that the contingency reserve is not available for such an action by the administration.

Mr. President, what this means is that if the administration wants to initiate a program of military or paramilitary support to the Contras, it must do so in one of three ways, each of which is subject to disapproval by the legislative branch: It can submit a supplemental appropriation, subject to a vote by both Houses; it can seek committee approval of an interagency transfer; or it can propose a reprogramming of funds from one intelligence activity to another, again a procedure subject to disapproval by any one of the several committees who review the reprogramming request.

The conference committee also ruled out solicitation of lethal assistance from third countries by the CIA or other intelligence agencies of the U.S. Government for the Contras. We did

not want to leave a loophole for agencies of the executive branch to seek to do through third countries what Congress had prohibited the United States from doing. However, though I am not happy with this, the conference recognized the right of the State Department to seek nonlethal assistance of the same type that the executive branch itself is authorized to provide. However, the State Department may not condition any United States foreign aid or any other type of assistance to a third country on its willingness to provide nonlethal assistance to the Contras.

The conference also discussed the question of allowing the CIA or other intelligence agencies to provide certain kinds of transportation equipment to the Contras. Again, the conference decided to prohibit such an activity by the intelligence agency or to authorize funds for that purpose, even if the equipment could not be used "to inflict serious bodily harm or death." However, the conferees did recognize that such transportation equipment could be provided by the Nicaraguan Humanitarian Assistance Office as part of the \$27 million program approved by Congress in the supplemental appropriation, so long as the equipment is not modified for lethal use.

Once again, Mr. President, I cannot support any type of aid to the Contras, but I recognize that Congress has decided otherwise. My purpose in this conference was to avoid opening any other avenues for the administration to assist the Contras other than the specific humanitarian aid program approved and funded by Congress in the supplemental appropriation for fiscal year 1985. This provision contributes to that objective.

Title VI of the Intelligence Authorization Act provides an important authority to offer expeditious citizenship to certain aliens who has "made an extraordinary contribution to the national security of the United States or to the conduct of United States intelligence activities." The number of aliens who may benefit from this provision may not exceed five in any 1 year, and there is a 1-year residence requirement.

Mr. President, the purpose of this title is to provide incentive for persons who take extraordinary risks in the service of the United States, such as members of the KGB, by remaining in place prior to defection. When the contributions of such persons warrant, it will be possible to reward their service with expeditious citizenship. I anticipate this will be of considerable assistance to the CIA in its work with defectors.

Senator BENTSEN offered an amendment to the original Senate bill to increase funds available to the FBI for domestic counterterrorism activities. I am proud to have cosponsored that amendment. The Bentsen amendment was incorporated in the conference committee's action, and will represent

an important augmentation of the FBI's counterterrorism capabilities.

I want also to call attention to Senator NUNN's leadership in working out a compromise with the House on title VIII of the bill concerning Federal access to State criminal history records in the conduct of security investigations for access to classified information. We are all aware of deficiencies and problems in performing adequate security checks of Federal employees who are under consideration for access to sensitive national security information. It will be of great benefit to the Federal agencies to have access to State criminal history records—with the consent of the individual receiving the security check—in order to conduct as thorough a review of the person's background as possible. Several States have laws prohibiting the provision of such information, though by far the majority do respond to Federal requests.

The Nunn compromise reflected in the conference committee's bill and joint explanatory statement meets a basic concern of those States currently banning release of this criminal history information, that is, that they will be subject to suits for misuse of the records. The provision provides for Federal Government indemnity of such States for a 3-year trial period. During the first 2 years of that time, the Federal agencies involved will undertake a study of the program, to include consideration of whether States voluntarily participating should be included in any future indemnification arrangement. There is a sunshine cutoff of this indemnification portion at the conclusion of 3 years. We will then be able to review the indemnification issue with the benefit of the study carried out by the appropriate agencies.

Mr. President, I assure my colleagues that this is a balanced bill which provides for the funding needs of U.S. intelligence, consistent with the budgetary stringencies of which we all are aware.

Mr. President, I want also to thank Eric Newsom, the minority staff director, for his yeoman service in helping to form this legislation. He, Daniel Finn, the minority counsel, and George Tenet, my designee on the Intelligence Committee staff, and the rest of the committee staff, have done a superb job. I want also to call attention to the role of Keith Hall, the committee budget officer, and the budget staff, who have worked long and hard to produce this bill. Mr. Hall, budget staffers John Nelson, Carolyn Fuller, Charlene Packard, and Kathleen McGhee carried an immense load for the committee, and I am indeed appreciative. The candles burned long and late for all of them.

THE PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.